UNITED NATIONS

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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

EGYPT

Communicated by the Government of Egypt

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

LAW NO. 122 OF 1989

AMENDING CERTAIN PROVISIONS OF DECREE-LAW NO. 182 OF 1960 1/ CONCERNING THE CONTROL OF NARCOTIC DRUGS AND REGULATION OF THEIR UTILIZATION AND TRADE IN THEM

In the name of the People,

The President of the Republic:

The People's Assembly has adopted the following law,

And we hereby promulgate it:

Article 1

The provisions of articles 33, 34, 35, 36, 37, 38, 39, 40, 41, 42(1), 43, 44, 45 and 50 of Decree-Law No. 182 of 1960 Concerning the Control of Narcotic Drugs and the Regulation of their Utilization and Trade in Them, shall be replaced by the following provisions:

Article 33. Anyone who commits any of the following acts shall be punished by the death penalty and a fine of not less than 100,000 pounds and not more than 500,000 pounds:

(a) Exports or imports any narcotic substance before having obtained the licence stipulated in article 3;

1/ Note by the Secretariat: E/NL.1960/83.

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(b) Produces, extracts, separates or manufactures any narcotic substance with the intention of trading in it;

(c) Cultivates any of the plants included in Schedule No. 5, or exports, imports, possesses, acquires, purchases, sells, delivers or transports any of these plants in any stage of its growth, or its seeds, with the intention of trading or by way of trade, in any way whatsoever, in any case other than those authorized by law;

(d) Even abroad, forms or manages a gang, or engages in the management or organization, joins or has complicity in such a gang, the objectives of which include trading in narcotic substances or provision of such substances, for personal use, or commission, inside the country, of any of the offences stipulated in this article.

The court, in addition to the penalties established for the offences referred to by this article, shall decide on the payment of the customs charges as established by law.

Article 34. Anyone who commits any of the following acts shall be punished by the death penalty or by life imprisonment with hard labour and by a fine of not less than 100,000 pounds and not more than 500,000 pounds:

(a) Possesses, acquires, purchases, sells, delivers, transports or provides for use any narcotic substance, with the intention of trading or by way of trade, in any way whatsoever, in any case other than those authorized by law;

(b) Is licensed to be in possession of a narcotic substance for use for a particular purpose, and disposes of it in any way for any other purpose whatever;

(c) Manages or prepares any premises for the use of narcotic substances, for a consideration.

The punishment imposed for the offences referred to by this article shall be both the death penalty and a fine of not less than 100,000 pounds and not more than 500,000 pounds in the following cases:

(i) If the offender, in committing any of the offences concerned, uses a person who has not yet reached the age of 21, or uses any of his own ascendants or descendants, his spouse or any persons for whose upbringing or supervision he is responsible or any persons over whom he has actual authority in respect of their control and guidance;

(ii) If the offender is one of the public officials or personnel charged with the enforcement of this law or assigned to combat narcotic durgs or to control their circulation and possession, or if he is a person connected in any way whatsoever with narcotic drugs;

(iii) If the offender, in committing or facilitating the commission of these offences, uses the power vested in him by virtue of his function or his job or the immunity that he enjoys under the Constitution or the law;

(iv) If the offence is committed in any place of worship or educational institution or its facilities, clubs, public parks, treatment institutions, social or correctional institutions, military camps or prisons or in the immediate vicinity of such premises;

(v) If the offender presents, delivers or sells any narcotic substance to any person who has not yet reached the age of 21, or if, by whatever means of force, deceit, incitement, seduction or facility, he induces the said person to use such a substance;

(vi) If the narcotic substance which is the subject of the offence is cocaine or heroin or any of the substances included in part I of the attached Schedule No. 1;

(vii) If the offender was previously condemned for any of the crimes referred to by this or the preceding article.

Article 35. Anyone who commits any of the following acts shall be punished by life imprisonment with hard labour and a fine of not less than 50,000 pounds and not more than 200,000 pounds:

(a) Manages or prepares for third persons any premises intended for the use of narcotic substances, without a consideration;

(b) Facilitates the personal use of any narcotic substance or presents such a substance for personal use, without a consideration, in any case other than those authorized by law.

Article 36. As an exception to the provisions of article 17 of the Penal Code, in the application of the preceding articles as well as article 38, the penalty which directly follows that which is established for the offence may not be conceded.

Thus if the penalty which follows next is temporary hard labour or imprisonment, the term of sentence may not be less than six years.

Article 37. Anyone who possesses, acquires, buys, produces, extracts, separates or manufactures any narcotic substance, or cultivates, possesses or buys any of the plants included in Schedule No. 5, with the intention of personal use or processing, in any cases not authorized by law, shall be punished by a term of hard labour and by a fine of not less than 10,000 pounds and not more than 50,000 pounds. The court, in the sentence, may order execution of the penalties applicable in the special prisons established for persons sentenced for the crimes covered by this law, or the places reserved for them in the penal institution.

The court, in deciding the punishment for the offences provided for in the first paragraph, may, as an alternative to such punishment, order the internment of a person proven to be an addict in one of the sanatoriums established for this purpose, to undergo medical, psychological and social treatment, which shall be determined by a decision of the Minister of Justice, in agreement with the Ministers of Public Health, the Interior and Social Affairs. The period of internment in the sanatoriums of the person sentenced may not be less than six months nor more than three years, or the term of sentence, whichever is less.

When his addiction is cured, the internee shall be released by a decision of the committee responsible for supervising the persons interned in the sanatorium. If the internment procedure is found to be ineffective, if the maximum period fixed for his internment elapses before his recovery, if the internee violates the requirements imposed on him in respect of his treatment or if he commits during his internment any of the crimes covered by this law, the above-mentioned committee shall submit a report on the matter to the court through the public prosecution, requesting a decision repealing the stay of execution so that the fine can be imposed and the remainder of the term of deprivation of liberty can be served, after deduction of the period which the sentenced person spent in the sanatorium.

However, internment in a sanatorium may not be ordered where an offender commits any of the offences referred to by paragraph 1 of this article, after he has previously been sentenced to a penalty or to the internment procedure. In such cases, the provisions established in the preceding article shall apply in the event that the application of article 17 of the Penal Code is deemed justifiable by the court.

Article 38. Without prejudice to any severer punishment provided for by law, anyone who possesses, acquires, buys, delivers, transports, cultivates, produces, extracts, separates or manufactures any of the narcotic substances or plants included in Schedule No. 5, without the intention of trading in them or taking or personally using them, in any case other than those authorized by law, shall be punishable by a term of hard labour and by a fine of not less than 50,000 pounds and not more than 200,000 pounds.

The penalty shall be hard labour for life and a fine of not less than 100,000 pounds and not more than 500,000 pounds in the event that the narcotic substance which is the subject of the crime is cocaine, heroin or any of the substances included in part I of Schedule No. 1.

Article 39. Anyone who is apprehended in premises which have been prepared or arranged for taking narcotic substances, in the course of knowingly taking such substances, shall be punished by imprisonment for a period of not less than one year and a fine of not less than 1,000 pounds and not more than 3,000 pounds.

The penalty shall be doubled in the event that the narcotic substance offered for taking is cocaine, heroin or any of the substances included in part I of Schedule No. 1.

However, the provisions of this article shall not apply to a spouse or any of the ascendants or descendants or brothers and sisters of the person or persons who prepared or arranged the said premises or who resides/reside therein.

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Article 40. Anyone who agresses against any of the public officials or personnel charged with the enforcement of this law because of such enforcement, or who resists such officials and personnel through the use of force or violence, during or because of the performance of their functions, shall be punished by a term of hard labour and a fine of not less than 10,000 pounds and not more than 20,000 pounds.

The penalty shall be hard labour for life and a fine of not less than 20,000 pounds and not more than 50,000 pounds if the aggression or resistance causes a permanent disability which is not expected to be cured, or if the offender was armed or was one of the public functionaries charged with safeguarding public security, or if the offender abducted or detained an official charged with the enforcement of this law or the spouse or any of the ascendants or descendants of the said official.

However, the penalty shall be death by execution and a fine of not less than 50,000 pounds and not more than 100,000 pounds in the event that the above-mentioned acts lead to death.

Article 41. Anyone who intentionally kills a public official or employee charged with the enforcement of this law during or because of the performance of his functions, shall be punished by the death penalty and by a fine of not less than 100,000 pounds and not more than 200,000 pounds.

Article 42, paragraph 1. Without prejudice to the rights of bona fide third parties, the court shall in all cases order the confiscation of seized narcotic substances and plants and their seeds, included in Schedule No. 5, and of the proceeds accruing from the offence and seized instruments and means of transportation employed in committing it. It shall also order the confiscation of the land in which the above-mentioned plants have been planted, if the land is owned by the offender, or if it belongs to him by an unregistered title deed. However, if the offender is merely a holder of the land, the court shall order the termination of his deed of possession.

Article 43. Without prejudice to the provisions of the preceding articles, anyone who is licensed to trade in or possess narcotic substances and either fails to keep the books provided for in articles 12, 18, 24 and 26 of this law or to enter the required data in the said books, shall be punished by a fine of not less than 1,000 pounds and not more than 3,000 pounds.

Anyone who manages a pharmacy or a shop under a licence to trade in narcotic substances and does not submit the statements provided for in articles 13 and 23 to the competent administrative authority at the specified dates, shall be punished by a fine of not less than 500 pounds and not more than 2,000 pounds.

Anyone who obtains or acquires from the persons referred to in the preceding paragraphs, narcotic substances in quantities which are either less or more than those resulting from multiple weighing operations, shall be punished by a fine of not less than 2,000 pounds and not more than 10,000 pounds, provided that the differences do not exceed:

(a) 10 per cent in quantities of not more than 1 g;

(b) 5 per cent in quantities of more than 1 g and up to 25 g, provided that the discrepancy tolerated shall not exceed .05 g;

(c) 2 per cent in quantities of more than 25 g;

(d) 5 per cent in liquid narcotic substances, no matter what the amount may be.

In case of recividism with regard to any of the offences referred to by this article, the penalty shall be both imprisonment and double the fine established herein, or either of these penalties.

Article 44. Anyone who produces, extracts, separates, manufactures, imports, exports or possesses with the intention of trade, any of the substances included in Schedule No. 3, in any case not authorized by law, shall be punished by imprisonment for a period of not less than one year and not more than five years and by a fine of not less than 2,000 pounds and not more than 5,000 pounds. In all cases, the court shall order the confiscation of seized substances.

Article 45. Anyone who commits any other violation of the provisions of this law or of any of the decisions issued in implementation thereof shall be punished both by imprisonment

for a period of not less than three months and by a fine of not more than 2,000 pounds or either penalty.

In case of violation of the provisions contained in article 8, closure of the premises in question shall be ordered.

Article 50. Pharmacy inspectors shall have the right of entry to stores and warehouses used for trade in narcotic substances, as well as to pharmacies, hospitals, sanatoriums, dispensaries, clinics, phamaceutical factories, chemical and industrial laboratories and recognized institutes, such entry being for the purpose of verifying implementation of the provisions of this law. To this end, they shall have the authority to examine books and documents pertaining to narcotic substances, and they shall have the capacity of judicial commissioners as regards the offences which occur in any of these places.

They shall also have the authority to control implementation of the provisions of this law in government agencies and regional and domestic bodies.

Other judicial commissioners may inspect the places included in the preceding paragraph only in the presence of a pharmacy inspector.

Article 2

There shall be added to the above-mentioned Decree-Law No. 182 of 1960 new articles 34 bis, 37 bis, 37 bis (a), 37 bis (b), 37 bis (c), 37 bis (d), 46 bis, 46 bis (a), 48 bis (a) and 52 bis, the texts of which are as follows:

Article 34 bis. Anyone who, by whatever means of force or deceit, induces any other person to take any narcotic substance, whether cocaine, heroin or any of the substances included in part I of Schedule No. 1, shall be punished by the death penalty and by a fine of not less than 100,000 pounds and not more than 500,000 pounds.

Article 37 bis. The committee referred to in the preceding article shall be established in every governorate, shall be chaired at least by an appeal judge and shall consist of a representative of the public prosecution at least at the level of head of a prosecutor's office, and representatives of the Ministries of Public Health, the Interior, Defence and Social Affairs. A decision on the composition, terms of reference and organization of work of those committees shall be issued by the Minister of Justice. In performing its functions, the committee may seek assistance from whomever it may deem appropriate. Other members may also be added to the committee by virtue of a decision of the Minister of Justice.

Article 37 bis (a). Criminal action shall not be taken against a user of narcotic substances who reports voluntarily to the committee mentioned in the preceding article. In such a case, the said user shall be placed and remain in one of the sanatoriums provided for in article 37 of this law, or in the treatment institutions established for this purpose by a decision of the Minister of Social Affairs in agreement with the Minister of Public Health, in order to receive medical, psychological and social treatment, until the committee decides otherwise.

However, if the patient, prior to the issuance of a decision by the said committee, leaves the sanatorium or interrupts his periodical visits to the treatment institutions mentioned herein, he shall be required to pay the cost of treatment, which may be collected from him by administrative sequestration. In such a case, the provision of article 45 of this law shall not apply.

The provisions of this article shall not apply to any person who possessed a narcotic substance and who did not turn it over to the competent authority when interned in the sanatorium or when visiting treatment institutions.

Article 37 bis (b). Criminal action shall not be taken against a person whose addiction to or use of narcotic substances is proven, if a spouse or any of the ascendants or descendants of such person apply to the committee referred to in article 37 bis of this law, requesting the internment of the said person in one of the sanatoriums or treatment institutions referred to in article 37 bis (a).

The committee shall decide on the request upon examining the person in question and hearing the statements of those concerned and, in that connection, may request the Public Prosecution to investigate the matter and transmit a note on its opinion to the committee.

The voluntary internment in a sanatorium of a person whose treatment is required, or compulsion of such person to visit a treatment institution regularly shall be decided by the committee. Should the person refuse, the committee, through the Public Prosecution, shall refer the matter to the competent criminal court located in his place of residence to decide the matter in a session held in the chambers, either by ordering the internment of the person in a sanatorium or by compelling him to visit a treatment institution regularly.

Where necessary and prior to a decision on the request, the committee may place the person whose treatment is required under observation for a period of not more than two weeks for the purpose of medical control. The said person may appeal either to the Public Prosecution or to the director of the place of internment against such a procedure. Within three days of its receipt of the appeal, the Public Prosecution shall refer the appeal to the court mentioned in this article, so that the court can decide as it deems necessary.

In all cases, in respect of both the treatment and its interruption, the provisions contained in the preceding article shall apply.

Article 37 bis (c). All the data and information which come to the knowledge of the personnel involved in the treatment of drug addicts and abusers shall be treated as confidential, disclosure being punishable by the penalty established in article 310 of the Penal Code.

Article 37 bis (d). A special fund for the control and treatment of drug addiction and abuse shall be established and shall have legal personality. A decision on the organization, affiliation, funding and functions of the fund shall be issued by the President of the Republic, upon a suggestion by the National Council for the Control and Treatment of Addiction. Its functions shall include the establishment of sanatoriums and treatment institutions for drug addicts and abusers and the construction of prisons for persons sentenced for drug offences. The fines imposed in respect of the crimes stipulated in this law and the proceeds confiscated by a court decision to that effect shall be considered among the resources of the fund.

Article 46 bis. Anyone who abets the commission of any of the crimes referred to in this law shall be punished by the penalty established therefor.

Article 46 bis (a). No statute of limitations shall apply to criminal proceedings in respect of any of the crimes covered by this law which occur subsequent to its entry into force, except for the crime specified in article 37 of this law.

Anyone sentenced for any of the crimes referred to in the preceding paragraph shall not be subject to the provisions concerning conditional release contained in Decree-Law No. 391 of 1956 on the Organization of Prisons.

There shall be no extinction by lapse of time of any penalty decided subsequent to the entry into force of this law in respect of any of the crimes covered by the first paragraph of this article.

Article 48 bis (a). The provisions of article 208 bis (a), (b) and (c) of the Law of Criminal Procedures shall apply to the offences stipulated in articles 33 and 34 of this law.

Article 52 bis. By way of exception to the provisions contained in the preceding article, the Public Prosecutor or anyone whom he may delegate may request the competent court, whenever necessary, to order that seized narcotic substances or plants be destroyed at any stage of the criminal proceedings or subsequent to a decision.

The said request must contain an account of the reasons and the measures taken to keep suitable samples of the seizures, together with a record of their specifications, acquisition, quantities, where kept and the findings of the analyses. The court, in a session in the chambers and after summoning and hearing the persons concerned, shall decide on the request.

Article 3

Schedule No. 1, "Substances Considered to be Narcotic Substances", annexed to Decree-Law No. 182 of 1960, mentioned herein, shall be replaced by the attached Schedule No. 1.

Article 4

This law shall be published in the Official Gazette and shall be applicable as of the day following the date of its publication.

This law shall be affixed with the seal of the State and shall be enforced as one of its laws.

Issued at the Office of the President on 17 Dhil Qieda 1409 A.H. (21 June 1989 A.D.)

(Hossni Mubarak)

Secretary-General of the Council of Ministers

(Stamp)

Ahmad Ridwan

Schedule No. 1

Substances Considered to be Narcotic Substances 2/

Part I

1. Cocaine

   Methyl ester of benzoylecgonine

   All cocaine preparations, whether or not listed in the Pharmacopoeias, which contain more than 0.1 per cent cocaine, whether manufactured from coca leaves (liquid essence or tincture) or from cocaine or dilutions of cocaine in a non-active substance, liquid or solid, whatever their degree of concentration may be.

2. Heroin - Diacetylmorphine - (Acetomorphine - Diamorphine)

   Whether heroin proper, mixed or diluted, in whatever concentration or proportion.

Part II

1. Etorphine
2. Ethylmethylthiambutene
3. Acetylmethadol
4. Acetorphine
5. Ecgonine
6. Oxycodone
7. Oxymorphone

2/ Note by the Secretariat: Chemical names were given in the text for the substances listed. These names were identical to those which appear in the international drug control treaties and are accordingly not reproduced.

8. Morphine - N - Oxide

and other pentavalent nitrogen compounds, such as:

Genomorphine,

and other pentavalent nitrogen derivatives, such as:

Codeine - N - Oxide - Genocodeine.

9. Opium:

including raw, medical and prepared opium, in all designations, as well as all opium preparations, whether or not listed in the Pharmacopeia, which contain more than 0.2 per cent morphine, and dilutions of opium in a non-active substance, liquid or solid, whatever its degree of concentration may be.

10. Alphaprodine

11. Alphacetylmethadol

12. Alphameprodine

13. Alphamethadol

14. Allylprodine

15. Amphetamine

Amphetamine proper as well as its salts in their various pharmaceutical forms.

It should be noted that Levamphetamine is not considered a narcotic substance.

16. Amobarbital

17. Anileridine

18. Etoxeridine

19. Etonitazene

20. Hydrocodone

21. Hydroxypethidine

22. Hydroxy - 2 - ethoxy - 2 - ethyl I phenyl - 4 - propionyl - 4 - piperidin.

23. Hydromorphone

24. Hydromorphinol

25. Isomethadone

26. Pethidine

27. Pethidine Intermediate - A

28. Pethidine Intermediate - B

29. Pethidine Intermediate - C

30. Psilocybine

31. Properidine

32. Proheptazine

33. Piritramide

34. Bezitramide

35. Benzethidine

36. Benzoylmorphine

37. Benzylmorphine

38. Betacetylmethadol

39. Betaprodine

40. Betameprodine

41. Betamethadol

42. Piminodine

43. Butalbital

Butalbital proper and its salts in their various pharmaceutical forms.

44. Trimeperidine

45. Diethylthiambutene

46. Dioxaphetyl butyrate

47. Dipipanone

48. Dihydromorphine

49. Diphenoxylate

as well as its preparations containing more than 2.5 milligrams of the drug per dosage unit, calculated as base, and containing an amount of atrophine sulphate equivalent to at least 1 per cent of the dose of diphenoxylate.

50. Difenoxin

as well as its preparations containing, per dosage unit, more than 0.5 milligrams of the substance, mixed with a quantity of atrophine sulphate equivalent to at least 5 per cent of the amount of difenoxin.

51. Dimethylthiambutene

52. Dimepheptanol

53. Dimenoxadol

54. Thebacon

55. Thebaine

56. Glutethimid

57. Cannabis

in all its forms and under any name whatever, e.g., hashish, kamonja, banjo, marijuana, as well as any other name that may be given to it, whether produced, prepared or extracted from the flowers, leaves, stems, roots or resin of the Indian hemp (cannabis sativa), staminate or pistillate.

Galenical preparations of cannabis (essence and tincture).

Preparations with cannabis essence or tincture as their base.

Cannabis resin preparations (all preparations containing active cannabis element, i.e., resin in any percentage whatever).

Essence of the plant or any part thereof, such as hashish oil.

Powder prepared from all or some of the parts of the hashish plant, such as hashish powder, or any mixture thereof.

Resins resulting from the plant in any form whatever, whether pure or mixed.

58. Dexamphetamine

59. Dextromoramide

60. Drotebanol

61. Diampromide

62. Desomorphine

63. Racemoramide

64. Racemorphan

65. Racemethorphan

It should be noted that Dextromethorphan is not ccasidered a narcotic substance.

66. Secobarbital

and its salts in all their pharmaceutical forms.

67. Phenadoxone

68. Phenazocine

69. Phenampromide

70. Fentanyl

71. Phenoperidine

72. Phenomorphan

73. Furethidine

74. Clonitazene

75. Codoxime

76. Ketobemidone

77. (+) - Lysergide

78. Levorphanol

It should be noted that Dextrophan is not considered a narcotic substance.

79. Levophenacylmorphan

80. Levomoramide

81. Levomethorphan

It should be noted that Dextromethorphan is not considered a narcotic substance.

82. Methyldihydromorphine

83. Methyldesorphine

84. Concentrate of poppy straw

The material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade.

85. Moramide Intermediate

86. Morpheridine

87. Morphine

All morphine preparations, whether they are listed in the pharmacopoeia or not, and containing more than 0.2 per cent morphine.

Morphine residues in a non-active substance, liquid or solid, whatever its degree of concentration may be.

88. Metazocine

89. Metopon

90. Methadone

91. Methadone Intermediate

92. Methamphetamine

93. Methaqualone

94. Methylphenidate

Methylphenidate proper and its salts, in all their pharmaceutical forms.

95. Myrophine

96. Noracymethadol

97. Norpipanone

98. Norlevorphenol

99. Normorphine

100. Normethadone

101. Nicomorphine

102. Tetrahydrocannabinols.

103. STP - DOM.

104. DMHP.

105. Psilocine - Psilotsin.

106. Mescaline.

106. Parahexyl.

108. DET.

109. DMT.

110. Pentazocine

Also, the salts, isomers, esters and ethers and isomer, ester and ether salts of those substances, unless otherwise stipulated.

Any preparation, mixture, extract or other compound containing any of the substances included in this Schedule, or containing any of their salts, isomers, esters or ethers or any of the isomer, ester or ether salts of those substances in whatever percentage, unless a specific percentage is stipulated.

111. Mecloqualone.

112. TCP.

113. PHP or PCPY.

114. PCE.

115. Benzphetamine,

as well as its salts in all their pharmaceutical forms.

116. Alfentanil - Rapifen.

117. DOB

118. MDA.